

REMARKS

The Office Action dated April 29, 2008 has been received and carefully noted. The above amendments to the claims, and the following remarks, are submitted as a full and complete response thereto.

Claims 4, 7, and 9-16 have been amended to more particularly point out and distinctly claim the subject matter of the invention. New claims 17 and 18 have been added. No new matter has been added. Claims 1-18 are currently pending in the application and are respectfully submitted for consideration.

The Office Action objected to claim 4 because the parameter does not “include a frequency band,” but rather “indicates a frequency band.” Claims 4 and 12 have been amended to recite that the transmission parameter indicates a frequency band, as suggested by the Office Action. Accordingly, this objection is rendered moot.

The Office Action also objected to claims 7 and 15 as being of improper dependent form for failing to further limit the subject matter of a previous claim. The Office Action suggested amending the claims to recite that “the uplink is established in accordance with the transmission parameter used when the base station successfully received the preamble at the first time or at a later time than the first time.” Claims 7 and 15 have been amended accordingly. Therefore, Applicants submit that this objection is also rendered moot.

The Office Action rejected claims 1-6, 8-14, and 16 under 35 U.S.C. §103(a) as being unpatentable over Sutskov (U.S. Patent Pub. No. 2006/0025079) in view of

Wang (U.S. Patent No. 7,013,146). Applicants note that the introduction to this rejection listed claims 1-5, 7-13, and 15-16 as being rejected (see Office Action, page 3). However, after reviewing the substantive discussion of the rejection, it appears that the Office Action intended to reject claims 1-6, 8-14, and 16. If Applicants have misinterpreted this rejection, it is respectfully requested that a new non-final Office Action be issued which clearly articulates the intended rejection. In any case, the rejection is respectfully traversed for the following reasons.

Applicants respectfully submit that Sutskover does not constitute a valid prior art references with respect to the present application. Sutskover has a filing date which is after the priority date of the present application. In particular, Sutskover has a filing date of August 2, 2004 and the present application has a priority date of September 6, 2002 based on the international filing date. Accordingly, the present application has an effective filing date which is before the filing date of Sutskover. Therefore, Sutskover cannot properly be cited as prior art against the present application. Applicants respectfully request that this rejection be withdrawn.


For at least the reasons discussed above, Applicants submit that all of the objections and rejections contained in the Office Action have been addressed and overcome. As such, Applicants respectfully request that a timely Notice of Allowance be issued in this case.

If for any reason the Examiner determines that the application is not now in condition for allowance, it is respectfully requested that the Examiner contact, by

telephone, the applicants' undersigned representative at the indicated telephone number to arrange for an interview to expedite the disposition of this application.

In the event this paper is not being timely filed, the applicants respectfully petition for an appropriate extension of time. Any fees for such an extension together with any additional fees may be charged to Counsel's Deposit Account 50-2222.

Respectfully submitted,



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